

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ANTHONY J. CEPARANO, # 09A5302,

Plaintiff,

-against-

MEMORANDUM

AND ORDER

10-CV-2030 (SJF)(AKT)

FILED

IN CLERK'S OFFICE

U.S. DISTRICT COURT E.D.N.Y.

★ JUN 10 2011 ★

LONG ISLAND OFFICE

SUFFOLK COUNTY, NY, SUFFOLK COUNTY POLICE
DEPARTMENT, POLICE COMMISSIONER RICHARD DORMER,
FORMER POLICE COMMISSIONER (2003), LT. MICHAEL
FITZPATRICK, LT. JAMES MAHER, LT. PAUL SCHRIEBER, DET.
ANTHONY LETO, DET. BEHRENS, DET. ROBERT SUPPA, DET.
WILLIAM SHERIDAN, SGT. LEONARD, P.O. CHRISTOPHER
VIAR #5512, P.O. WALTER HETZEL #5817, P.O. KATHLEEN
FOCAS #1243, P.O. ERIC GUITERMAN #5824, LT. STEPHEN
HERNANDEZ, LT. DANIEL MEYER, CAPT. JOHN HANLEY,
LT. JAMES SMITH, DET. JAMES WALKER, SGT. KEN,
P.O.'s "JOHN DOE #1-16, SUFFOLK COUNTY DIVISION OF
MEDICAL LEGAL INVESTIGATIONS AND FORENSIC SCIENCES,
CHIEF OF TOXICOLOGY MICHAEL LEHRER, ASST. CHIEF OF
TOXICOLOGY MICHAEL KATZ, LORI ARENDT, ROBERT GENNA,
SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE, DISTRICT
ATTORNEY THOMAS J. SPOTA III, CHIEF MAJOR CRIME BUREAU,
A.D.A. BRADFORD S. MAGILL, A.D.A. PATRICIA BROSCO,
SUFFOLK COUNTY SHERIFF'S DEPARTMENT, SHERIFF
VINCENT DEMARCO, SHERIFF ALFRED E. TISCH, WARDEN
EWALD, WARDEN (8/2004-11/2006), LT. MCCLURKIN, SGT.
FISCHER, C.O. KENNETH LAWLER, C.O. WILLIAM ZIKIS,
C.O. JOSEPH FOTI, C.O. EZEKIEL, C.O. VIOLET, C.O. "TOM
ARNOLD", C.O. GALOTTI, C.O. CATHY RYAN, C.O.#668,
C.O. #1259, C.O. #1241, C.O. # 1274, C.O. #1275, C.O. 1207,
C.O. #1139, C.O. #1251, C.O. #1220, C.O. #1158, C.O. #962,
C.O. #1324, C.O. #1094, C.O. #1131, CORRECTIONS OFFICERS
JOHN DOES 1-33, SHERIFF'S DEPUTIES JOHN DOES 1-10,
THE MEDS CART NURSES: NURSE "KOREA", NURSE PAT,
NURSE JULIE "LOUD", NURSE "MALE, EARRING, GLASSES",
NURSE "UGLY WARTS, ALWAYS NASTY",
SUFFOLK COUNTY PROBATION DEPARTMENT, SENIOR
SUPERVISOR on or @ 1/18/2005, SENIOR P.O. BENNEDETTO,
P.O. CURTIS, P.O. "HERMAN MUENSTER"(P.O. CURTIS' PARTNER),
P.O. SOLTAN, P.O. SOLTAN'S PARTNER 12/2005",

ANDREW O'FLAHERTY, JULIE CRIST A.K.A. JULIE DOUGHERTY,
BERNADETTE CIOCH, WEST BABYLON FIRE DEPARTMENT,
SUPERVISOR MINA #3-230404, EMT MCCLEAN #237735,
GOOD SAMARITAN HOSPITAL, DR. JEFFREY MARGULIES
-ER 6/5/2007, DR. "I.C.U." 6/5/2007, NURSE "DO YOU WANT HIS
CLOTHES" 6/5/2007, NURSE "GO INTEROGATE HIM NOW" 6/5/2007,
DONNA VENTURINI, LAB, ROB GANNON, BETH FEENEY, LAB,
SOUTHSIDE HOSPITAL, DR. "JULIE CRIST'S E.R. DOCTOR",
6/5/2007-6/6/2007, DR. "CHIEF OF PSYCHIATRY", NEWSDAY,
EDITOR JOHN MANCINI, MANAGING EDITOR DEBORAH HENLEY,
MANAGING EDITOR DEBBY KRENEK, REPORTER BILL MASON,
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REPORTER, CABLEVISION, PROGRAMMING DIRECTOR, REPORT,
HOME PROPERTIES, SOUTHERN MEADOWS APARTMENTS,
PROPERTY MANAGER DEBRA CODY, PROPERTY MANAGER
LAUREN?, MAINTENENCE [SIC] SPVSR WILLIAM FLORIO,
SUFFOLK COUNTY INTENSIVE CASE MANAGEMENT,
DIRECTOR DOUGLAS SHELTERS, CASE MANAGER
DANA ROMANO, OUTREACH DEVELOPMENT CORPORATION,
KAREN O'BRIEN DIRECTOR, JENNY, JULIE CRIST'S CASE MGR
GLOBAL TEL-LINK, CEO 2007-2009, MARGARET PHILLIPS, EXEC.
DIR. BILLING & MARKETING, MYSPACE.COM, MOTHER'S AGAINST
DRUNK DRIVING (MADD), MADD PRESIDENT 2007-2009, SUFFOLK
COUNTY LEGAL AID SOCIETY, EDWARD VITALE, ESQ.
SUSAN AMBRO, ESQ., ROBERT MACEDONIO, ESQ. (DISBARRED
18-B COUNSEL)

Defendants.

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FEUERSTEIN, District Judge:

On May 4, 2010, *pro se* plaintiff Anthony J. Ceparano ("plaintiff") filed this action pursuant to 42 U.S.C. § 1983. By order dated December 14, 2010 ("December Order"), the Court granted plaintiff's request to proceed *in forma pauperis* and dismissed plaintiff's handwritten complaint – which exceeded two hundred and fifty (250) pages and named approximately four hundred and fifteen (415) defendants – with leave to amend. On January 18, 2011, plaintiff filed an amended complaint.

I. Discussion

In large part, plaintiff fails to comply with the December Order. The amended complaint is approximately one hundred (100) pages and repeats many of the same allegations set forth in the original complaint. *See* Amend. Compl. To the extent plaintiff names defendants who are “immune from suit or are outside of the scope of Section 1983” as set forth in the December Order, the claims against those defendants are dismissed. *See* December Order at 13-19. Moreover, claims of conspiracy that are vague and provide no basis in fact must be dismissed. Polur v. Raffe, 912 F.2d 52, 56 (2d Cir. 1990) (citations omitted), *cert. denied*, 499 U.S. 937 (1991). Plaintiff has failed to allege specific facts sufficient to show the existence of any conspiracy designed to deprive him of his rights pursuant to 42 U.S.C. § 1985. *See Ostrer v. Aronwald*, 567 F.2d 551, 553 (2d Cir. 1977). For the reasons set forth herein and in the December Order, the amended complaint is dismissed as to all the defendants with the exception of the defendants listed below.

To the extent plaintiff alleges that the following correction officers violated his rights by excessive use of force and or deprivation of legal property while he was incarcerated at the Suffolk County Correctional Facility on the dates alleged by plaintiff, *see* Amend. Compl. at 89-94, the amended complaint shall proceed solely as to these defendants as identified by plaintiff: C.O. “Tom Arnold,” C.O. #1207, C.O. #1220, C.O. #1158, C.O. #1094. *See* Amend. Compl. at 89-94.

II. Conclusion

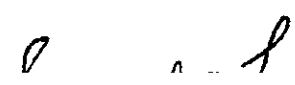

The Clerk of Court is directed to issue a summons and the United States Marshals Service

is directed to serve the summons, the Amended Complaint and a copy of this order on the following defendants: C.O. "Tom Arnold," C.O. #1207, C.O. #1220, C.O. #1158, C.O. #1094.

Plaintiff's sole remaining claim alleges that the foregoing correction officers violated his rights by excessive use of force and/or deprivation of legal property, in violation of 42 U.S.C. § 1983, while incarcerated at the Suffolk County Correctional Facility on the dates specified on pages 89-94 of his amended complaint. All other claims presented in plaintiff's complaint and amended complaint are dismissed, *sua sponte*.

A courtesy copy of the same papers shall be sent to the Suffolk County Attorney. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.


/S/ 

Sandra J. Feuerstein
United States District Judge

Dated: June 10, 2011
Central Islip, New York